

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GERALYN JABLONSKI,	)	
on behalf of plaintiff and the classes defined)	)	
below; and	)	
PEOPLE OF THE STATE OF ILLINOIS ex	)	
rel. GERALYN JABLONSKI,	)	
	)	DIST. COURT NO.:_____
Plaintiffs,	)	
	)	STATE CASE NO.: 11 CH 669
vs.	)	
	)	
RIVERWALK HOLDINGS, LTD.,	)	
RIEXINGER & ASSOCIATES, LLC	)	
and BAKER & MILLER, P.C.,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF REMOVAL**

To: Judges of the United States District Court for the Northern District of Illinois

Defendants, RIVERWALK HOLDINGS, LTD. and RIEXINGER & ASSOCIATES, LLC ("Defendants"), by and through its attorneys David M. Schultz and Justin M. Penn, gives its Notice of Removal pursuant to 28 U.S.C. §1441(a) and 1446, and in support thereof, state as follows:

1. On January 6, 2011, Plaintiff filed a complaint against defendant in the Circuit Court of Cook County, Illinois. A copy of the complaint is attached hereto and incorporated herein by reference as Exhibit A.

2. Process was served upon Defendants shortly thereafter. Defendants also received a copy of a motion for class certification that had been filed by the plaintiff. A copy of the motion is attached hereto as Exhibit B.

3. Copies of the above mentioned complaint and summons constitute true and correct copies of all process, pleadings and orders served upon Defendants. Defendants' counsel has requested, but not yet received, a copy of the entire court file in the Circuit Court of Cook County. However, a review of the electronic docket reflected on that court's website reveals that these two documents appear to be the only filings thus far. A copy of the electronic docket print out is attached hereto as Exhibit 3. Defendants will file any additional documents upon receiving them from the Circuit Court.

4. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon the Defendants. 28 U.S.C. §1446(b).

5. 28 U.S.C. §1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

6. United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the Plaintiff's claim due to the fact that the allegations

contained in his complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. §1331.

7. In the complaint, Plaintiff alleges that Defendants were acting as a debt collector in attempting to collect a debt from Plaintiff.

8. Plaintiff claims Defendants violated §1692e in its attempted collection of Plaintiff's debt. The Complaint also alleges violations of the Illinois Collection Agency Act. Plaintiff seeks recovery under the FDCPA in the sum of \$1,000.00 plus attorney fees and costs, as well as recovery for a putative class.

9. The only other defendant in this case is the law firm of Baker & Miller, P.C. Defendants' counsel spoke with David Miller, a representative of Baker & Miller, P.C. Mr. Miller indicated in that conversation that Baker & Miller, P.C. joins in this removal. A copy of an email confirming Baker & Miller, P.C.'s written consent and joinder is attached hereto as Exhibit D.

10. The Plaintiff's complaint invokes federal question jurisdiction because the allegations involve claims under the FDCPA, 15 U.S.C. §1692 et. seq.

WHEREFORE, Defendants, RIVERWALK HOLDINGS, LTD. and RIEXINGER & ASSOCIATED, LLC, respectfully request that this case proceed in this court as an action properly removed to it.

Respectfully submitted,  
RIVERWALK HOLDINGS, LTD. and  
RIEXINGER & ASSOCIATED, LLC

By: /s/Justin M. Penn  
One of their attorneys.

David M. Schultz  
Justin M. Penn  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2011, I caused **DEFENDANT RIVERWALK HOLDINGS, LTD. and RIEXINGER & ASSOCIATES, LLC'S NOTICE OF REMOVAL** to be electronically filed with the clerk of the Court through the CM/ECF system with a copy of the same to be served by regular mail to the following:

Daniel A. Edelman  
Cathleen M. Combs  
James O. Lattuner  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, IL 60603

/s/ Justin M. Penn